

2461. Misbranding of Spectro-Chrome. U. S. v. 1 Device * * * (and 4 other seizure actions). Answers filed by claimants denying Government's right to seize devices; claimants' answers ordered stricken and default decrees of condemnation and destruction entered. (F. D. C. Nos. 16828, 16830, 16911, 17280, 18137. Sample Nos. 1146-H, 4171-H, 14657-H, 14695-H, 17267-H.)

LIBELS FILED: July 19 and 25, September 10, and November 27, 1945, Eastern District of Michigan.

ALLEGED SHIPMENT: Between the approximate dates of May 22 and November 5, 1945, by the Dinshah Spectro-Chrome Institute, from Newfield, N. J.

PRODUCT: 5 *Spectro-Chrome* devices at Flat Rock, Detroit, and Fraser, Mich. The construction and appearance of each device was essentially the same as the device involved in notices of judgment on drugs and devices, No. 2098.

Three of the devices were accompanied by one or more of the following pieces of printed and graphic matter: "Spectro-Chrome Home Guide," "Favorscope for 1945," "Rational Food of Man," "Key to Radiant Health," "Request for Enrollment as Benefit Student," "Auxiliary Benefit Notice — Make Your Own Independent Income as Our Introducer," "Spectro-Chrome General Advice Chart for the Service of Mankind — Free Guidance Request," "Certificate of Benefit Studentship," "Spectro-Chrome — December 1941 — Scarlet," and "Spectro-Chrome — March 1945 — Yellow."

NATURE OF CHARGE: Misbranding, Section 502 (a), (2 devices) the following statements in the labeling of the devices "Dinshah Spectro-Chrome * * * Visible Spectrum Color Projector * * * This Spectro-Chrome Projector * * * is a Benefit granted to an Affiliate (of Dinshah Spectro-Chrome Institute a * * * Health Corporation * * *) * * * It is presented for self-use and self-verification" were false and misleading, since such statements represented and suggested that the device was capable of restoring, maintaining, or otherwise favorably influencing the health of the user, whereas the device was incapable of restoring, maintaining, or otherwise favorably affecting the health of the user; and the use of colored light would have no effect on health. The labeling of the other three devices bore false and misleading curative and therapeutic claims substantially the same as the labeling of the device involved in notices of judgment on drugs and devices, No. 2098.

Further misbranding, Section 502 (f) (1), (1 device) the labeling failed to bear adequate directions for use, since it bore no directions for use.

DISPOSITION: Florence L. Shuman, Flat Rock, Mich., Rosa Campiglio, Blanche DeWitt, and James H. Stevens, Detroit, Mich., and Martha Kollmorgan, Fraser, Mich., appeared as claimants and filed answers to the libels. The cases were subsequently consolidated for trial. A motion was filed on behalf of the Government to strike all impertinent, immaterial, incoherent, and surplus matter from the answers. This motion was granted on November 27, 1945. Thereafter, the claimants moved to dismiss the libels, which motion was denied. The Government filed motions for an order directing the claimants to file stipulation for costs and for an order requiring the claimants to make further and more perfect answers to the libels. The Government's motions were granted, after hearing, on February 25, 1948.

On September 22, 1948, the court ordered that each claimant post security for costs; that the document "Further and More Perfect Answer," filed on behalf of the claimants, be stricken from the record; that any answer filed on behalf of the claimants conform to the requirements of Admiralty Rule No. 26; and that the failure of the claimants to file such answer by October 1, 1948, should effect a default. The claimants failed to file the required answer, or to post security for costs, by October 1, and accordingly an order of default was made on that date and judgment was entered, condemning the devices and their labeling and ordering their destruction.

DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

2462. Adulteration of Hood-Lax. U. S. v. Hood Products Corporation, Cal-Par Corporation, and Charles H. Fingerhood. Pleas of guilty. Total fine of \$4,000 (\$3,500 of fine applicable to another product). (F. D. C. No. 24046. Sample No. 6516-H.)

INFORMATION FILED: March 17, 1948, Southern District of New York, against the Hood Products Corporation and the Cal-Par Corporation, New York, N. Y., and Charles H. Fingerhood, president and treasurer of the corporation.